

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: )  
Ambers F. Williams, Jr. )  
Serial No.: 09/938,965 ) Art Unit: 2142  
Filed: August 24, 2001 ) Examiner: Newhouse,  
For: PIVOTING ASSEMBLY FOR ) Nathan J.  
HOLDING A GUN OR A BOW ) Docket No.: AJW0001

DECLARATION UNDER 37 C.F.R. §1.132  
BY AMBERS F. WILLIAMS, Jr.

Commissioner of Patents  
Washington, D.C. 20231

Sir:

I, Ambers F. Williams, Jr., declare as true, the following:

1.

I am the inventor of the invention defined in the pending claims of the above-identified patent application. I am a hunter and have been active in hunting and in the design and manufacturing of products used by hunters for around 20 years. I am the owner of T&W Machine, Inc. of Fayetteville, Tennessee. I attend hunting shows and sell a hunting equipment holder that is described by the claims of the patent application and related amendments. Further, I make it a matter of business to be aware of any hunting equipment holding devices that are sold at such shows. Such holding devices are used to hold hunting equipment on vehicles such as all terrain vehicles, trucks and sports utility vehicles. My knowledge of prior and existing transport holding devices and their deficiencies inspired me to invent the holder as claimed in the pending application.

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2.

The hunting equipment holder as claimed in my application has been a commercial success. As of February 29, 2004 I have sold close 7000 hunting equipment holders. A large number of the sales have occurred at shows where I display the holder. Other sales are the result of phone calls, mail orders and webpage orders. In addition, several hunting equipment distributors have ordered 10 or more units for resale. On a regular basis I get calls from new distributors that want to carry my holder. During February and March three distributors have called me from Canada. Existing sales records indicate my hunting equipment holder is a commercial success. Interest from distributors and activity at hunting shows indicates that commercial success will continue.

3.

Observations indicate my holder as claimed is an improvement over existing holders. I have attended around 20 or more sports shows (a partial list is provided as Exhibit A) in the last year, looked through numerous hunting equipment catalogs and have never seen a hunting equipment holder having the features and functionality of the holder claimed in my application. Others, mostly hunters at shows, have told me that it was also their observation. When show attendees compared my holder with those of the FINGRIP™ holder (a primary competitor) and other competitors they have told me that my hunting holder is superior.

4.

Because of my experience and training as a machinists and fabricator combined with my experience as a hunter, owner of an ATV and various hunting equipment I consider my self as well qualified to provide meaningful comments related to the prior art patents cited by the Examiner in the Office Action of December 17, 2003. The baby bottle holders (US 2,605,069 and US 4,735,388) could not function as hunting equipment holders for transporting rifles, guns, and bows over rough terrain by an all terrain vehicle (ATV). The attachment clamps described and shown in the figures of the above patents would fall off the bars of the extension rack when placed in the environment typically

experienced by an ATV cutting across an open field or down a stream bed. The pivot points and the bottle holder would also fail (because of their structure and pivot mechanisms) to provide the necessary functions of my claimed invention. I say this from experience and as an expert on such matters. Hand tightening the coupling clamp, pivot points and "equipment" holder with thumb screws will not provide a secure connection in a moving and bouncing environment. Note that my clamp connection requires a bolt and lock washer. Further my pivot mechanism is rugged and uses a  $\frac{3}{4}$  inch nut and threads. The nut used on my pivot point is a hydraulic nut typically used in high-pressure hydraulic lines. Neither of the equipment holders of the above prior art patents could securely hold hunting equipment for transport as they are shown and described. No suggestions are provided within these patents for modifying the holders for transporting hunting equipment. They will not do so as shown.

5.

An exemplary design of my invention is best shown in FIG. 5 of my patent application. FIG. 5 shows the clamp that attaches the hunting equipment holder to a bar on an ATV. After the nut is inserted in the hole of the clamp a wrench is required to securely tighten nut for securing the clamp to the bar. The  $\frac{3}{4}$  inch hydraulic nuts are also tightened with a wrench after the holder is put in the desired position. The U-shaped clamp has closed cell foam inside the "U" (described as a soft resilient pad in the application) that conforms to the shape of the hunting equipment and securely holds it in place. I do use a strap (mentioned in the preferred embodiment) to go across the top of the U-shaped clamp. In summary, equipment for household and medical use cannot provide the holding functional necessary for transporting hunting equipment over rough terrain by an ATV.

6.

Because of the commercial success of my hunting equipment holder as claimed, I have concerns about those who would copy my invention. As I increase my sales, because of the design of my claimed invention, others may attempt to freely benefit from what I have done. Recently, I have been contacted by distributors in Canada and may be shipping

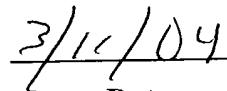
several hundred units to the distributors. Although I am unable to protect my invention in Canada, because of a bar date, I have instructed my representative to work with the US Patent Office to provide me with the protection I believe I am entitled to as an inventor of a new hunting equipment holder.

7.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



William F. Ambers, Jr.



Date

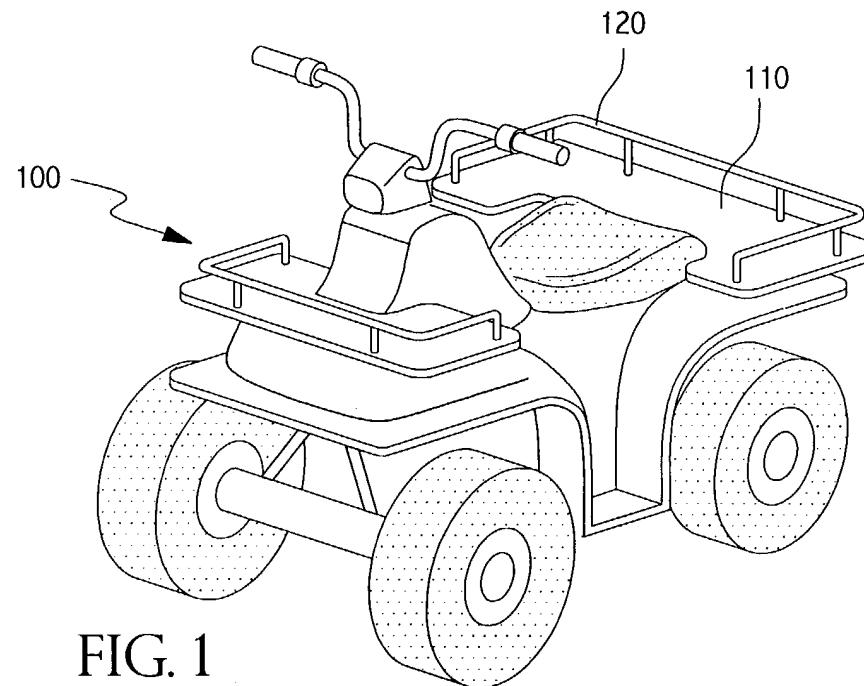


FIG. 1

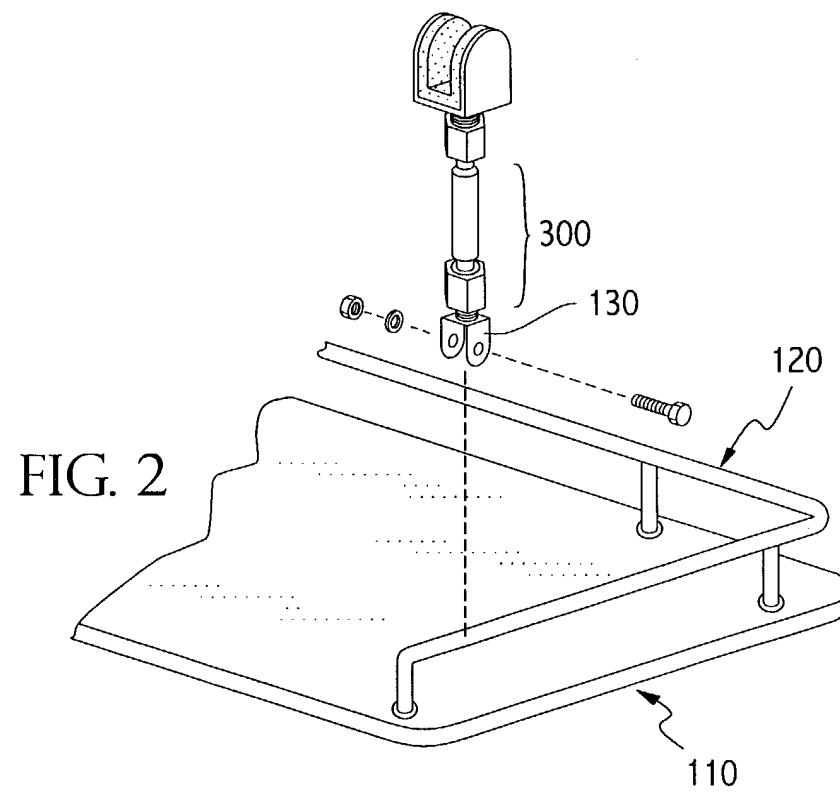


FIG. 2

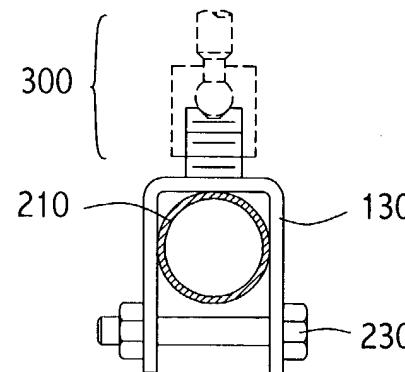


FIG. 3

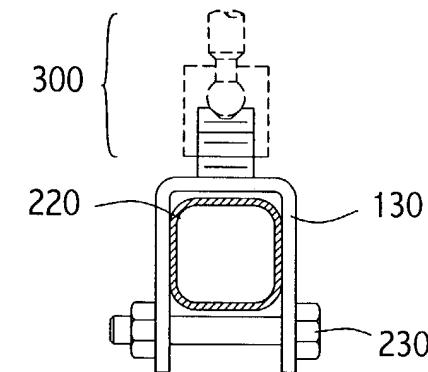


FIG. 4

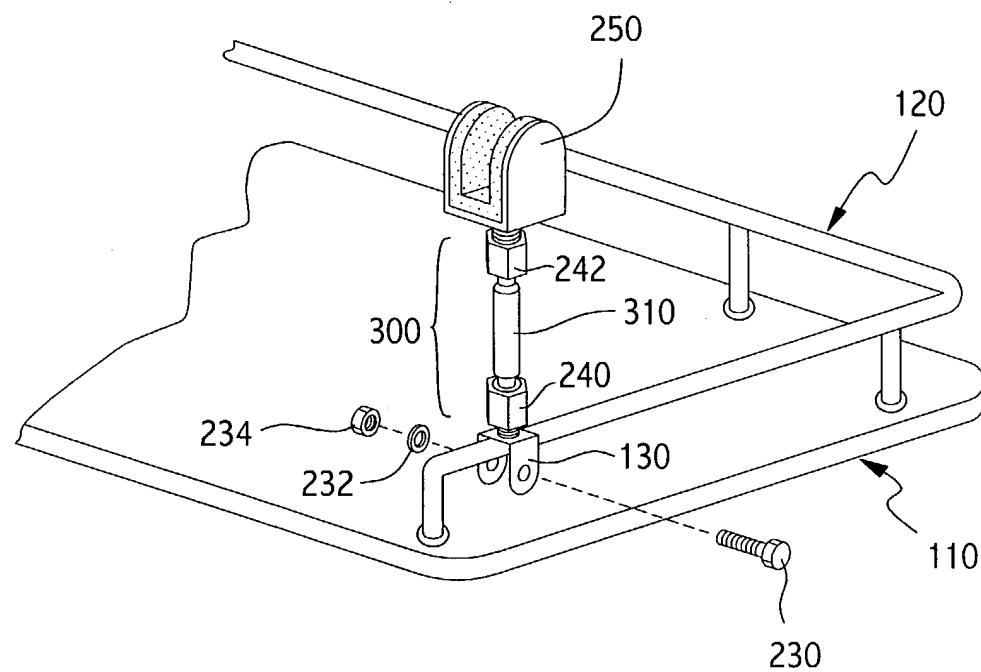


FIG. 5

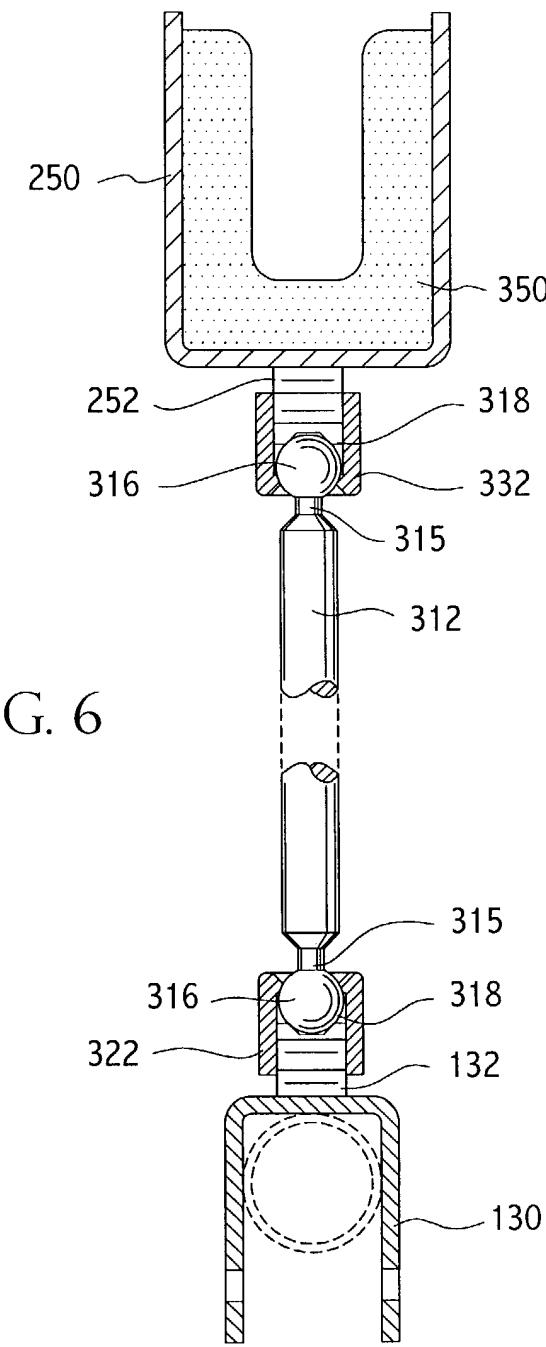
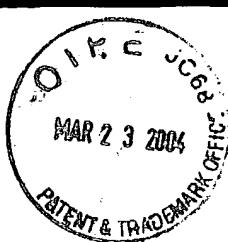


FIG. 6

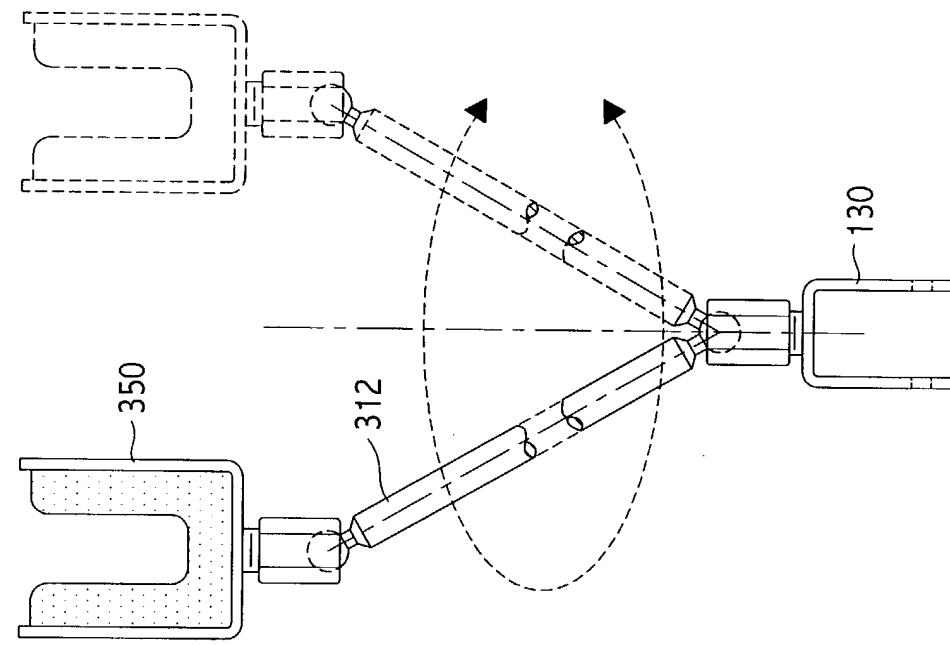


FIG. 9

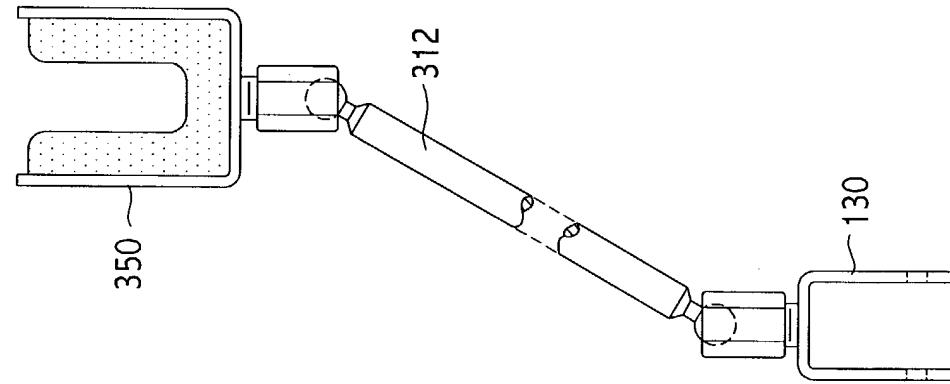


FIG. 8

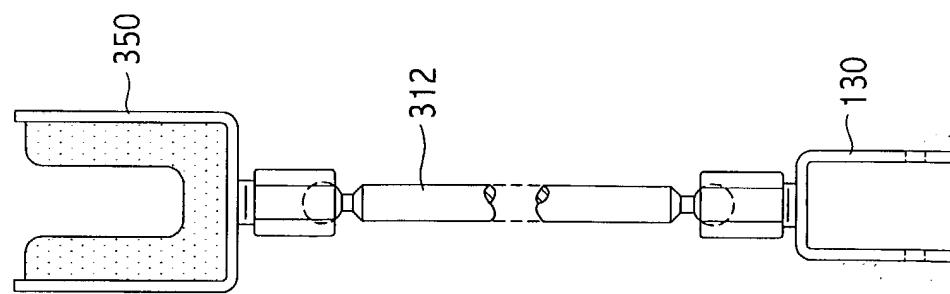


FIG. 7